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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,154	11/14/2003	Corbett Stone	AR9626CON	2381
7590 12/20/2005 Stout, Uxa, Buyan & Mullins, LLP Suite 300 4 Venture Irvine, CA 92618			EXAMINER KENNEDY, SHARON E	
			ART UNIT	PAPER NUMBER
			3767	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,154

Applicant(s)

STONE, CORBETT

Examiner

Sharon Kennedy

Art Unit

3767

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action or the MPEP.

Information Disclosure Statement

The prior art considered in the parent application has been considered herein. If applicant wants a listing of that prior art to appear on the face of any patent issuing from this application, applicant should submit a PTO Form-1449 with a listing thereof. Copies of the prior art are not necessary.

Specification

The abstract of the disclosure is objected to because it needs to be updated to refer to the parent application. Correction is required. See MPEP § 608.01(b).

Double Patenting

Claims 1-20 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-29 of U.S. Patent No. 6,666,848. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of this application encompass/overlap the claims of the parent.

Claims 1-10 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 6,929,623. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of this application encompass/overlap the claims of the parent.

Claim Rejections - 35 USC § 112

Claims 3 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 3, it is unclear how these limitations further define claim 1. Regarding claim 6, it appears as if the terminology "first" and "second" have been reversed.

Claim Rejections - 35 USC § 102

Claims 1, 3-7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Parkin, US 5,951,528. Sections 6 and 8 each comprise thin walled stainless steel. The examiner takes the position that this structure anticipates the claimed needles. The location at the end of the lead line of reference numeral 10 indicates the transition bore.

Claims 1, 3-10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Barnhart, US 2,187,259. Note the combination of the chamfering and beveling in figure 3. The tissue stop is anticipated by the depth gauge.

Claims 11-15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hoag et al., US 5,893,488. See especially figure 1. The pivot arm is lever 12. Regarding the finger rest, note rim 25 enters into slot 20. Regarding claim 13, note spring 9. Regarding claim 14, there is inherently a spring return mechanism in the trigger handle of the apparatus.

Claims 11 and 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Capwell, US 1,250,965. Note the syringe with the transition bore.

Claim Rejections - 35 USC § 103

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parkin '528. Parkin discloses that sections 6 and 8 are to be soldered together. Claim 2 requires gluing. The specification has been examined for a disclosure that the type of bonding is critical. None has been found. Accordingly, the examiner takes the position that the choice of gluing or soldering are equivalent obvious design choices.

Allowable Subject Matter

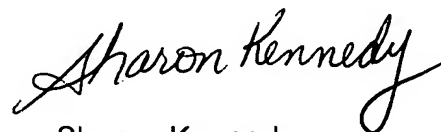
Claims 17-20 would be allowed if a terminal disclaimer as suggested above were filed. The catheter/needle apparatus in combination with the hand held injection facilitation apparatus is not shown or suggested by the prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See also US 5,792,099 to DeCamp, especially figures 2 and 3.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Kennedy whose telephone number is 571/272-4948. The examiner can normally be reached on Monday-Thursday.

A handwritten signature in black ink that reads "Sharon Kennedy". The signature is written in a cursive, flowing style.

Sharon Kennedy
Primary Examiner
Art Unit 3767